

REMARKS

Claims 7-12 are pending in the present application. None of the claims have been amended in this response.

Claims 7-12 have been rejected under 35 U.S.C. §102(e) as being anticipated by Thro et al. (US Patent No. 5,864,764). Applicant traverses this rejection.

Applicant respectfully notes for the record that the claims, in their present form, have been under examination for over five years (June 2002). During this time, each of the rejections have been traversed, only to be followed by a new ground of rejection, based on new art. The present claims have been appealed twice, and now find themselves subjected to yet another new ground of rejection. Applicant respectfully objects to this manner of examination, which violates MPEP §707.07(g) ("Piecemeal Examination").

Furthermore, Applicant kindly requests the courtesy of receiving specific references from the cited art in which the Office alleges that claimed features are taught. In the present case, the Office Action broadly cites a multitude of paragraphs for each limitation, without explaining which elements in the prior art are relevant to the present claims. It becomes increasingly difficult, if not impossible, for the Applicant to determine the context of the rejection, and a proper basis for response, under such conditions

In this regard, Thro fails to teach or suggest many of the features recited in the present claims. Specifically, Thro fails to teach or suggest "a dual-mode communication terminal apparatus for wireless communication with a selected base station of one of at least two different communication systems" having "recognition means for recognizing one of the at least two communication systems, the recognized communication system having the selected base station" as recited in claims 7 and 8. The Office Action cites col. 8, lines 30-67 and col. 9, line 1-12 as allegedly teaching these features. After reviewing these passages, and the Thro reference as a whole, Applicant submits that no such teaching exists.

In Thro, the system configuration server (105) operates to structure transceivers to operate in a "configuration mode" and an "active mode" in a single network (see Abstract). During initialization, the server receives information on the RF communication system (col. 8, lines 30-52). After initialization, the server operates to register transceivers within the network (col. 8, lines 52-65 ". . . indicates to the configuration server that the infrastructure transceiver

has been recently added, or moved within, *the network*" (emphases added)). Next, the server determines information regarding operation of the transceivers to determine their location and RF channel availability (col. 8, line 66 - col. 9, line 12). Applicant is at a loss determining which features of Thro are being interpreted as "two different communication systems." The disclosure in FIG. 1 clearly shows the transceivers (106-109) being located in cells (101-104) that are part of one communication system.

Thro also fails to teach or suggest "control means configured to allocate a network address to the recognized communication system under which the communication terminal apparatus can currently be reached and to communicate the network address via the selected base station to a control network address stored in a memory of the communication terminal apparatus; wherein the network address communicated to the control network address stored in the memory is used for assisting in handling a call intended for the communication terminal apparatus but directed to a communication system via which the communication terminal apparatus cannot currently be reached."

Again, the Office Action broadly cites col. 5, lines 50-67, col. 6, lines 57-67 and col. 7, lines 1-35, but there is no clarification as to what feature of Thro is being considered a "network address" or "control network address", and how these addresses are used in redirecting a call intended for the communication terminal. After reviewing Thro, the only applicable disclosure pertaining to "network address" relates to the transceivers during initialization, where the transceivers forward their address to the configuration server for storage (col. 4, lines 25-46; col. 8, lines 34-44). Thro discloses that the server will utilize the locations of the transceivers to facilitate "handover processing and the like" (col. 7, lines 28-34). However, handover is completely different from the claimed configuration that requires the network address to be communicated to a control network address stored in the terminal, and used to redirect a call (i.e., assisting in handling a call") that is directed to a communication system via which the communication terminal apparatus cannot currently be reached. The Office Action fails to specify what is a "control network address stored in a memory of the communication terminal apparatus" - indeed the Applicant cannot find any such teaching in the disclosure. Moreover, as discussed above, Thro deals with a singular communication system and appears to be incapable of redirecting calls that were directed to a different communication system.

In light of the above, Applicant submits that the present claims are allowable over the prior art. Withdrawal of the rejections under 35 U.S.C. §102 are respectfully requested. Should there be any additional charges regarding this application, the Examiner is hereby authorized to charge Deposit Account 02-1818 for any insufficiency of payment.

Respectfully submitted,
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